APPENDIX

[Vide answer to clause (b) of starred question No. 3044 asked by Sri S. Ramalingam (on behalf of Sri M. Kalyanasundaram) at the meeting of the Legislative Assembly held on 28th January 1956, page 225 supra.]

Issue of Mining Lease for mining limestones in Ramayanpatti in Tirunelveli district.

The two mining leases for limestone sanctioned to the India Cements, Limited, Talaiyuthu, are subject to the conditions mentioned in sub-rule (1) of rule 41 of the Mineral Concession Rules, 1949 and also to the following conditions :—

(i) the lessee shall pay rents and royalties in any Government treasury before the 10th January of every year;

(ii) the lessee shall pay before the expiry of the lease, or its sooner determination by either party, an amount equal to the annual dead rent or such higher amount as may be fixed by the Collector of the district in his discretion, as compensation for damage to the land covered by the lease;

(iii) the lessee shall not fell trees, if any, without the previous permission of the Collector and if it is found that he has felled any trees without such permission he shall pay the value of the trees together with a compounding fee subject to a maximum of 10 times the value of the said trees.

(iv) the lessee shall not operate on the surface of any area prohibited by any authority by laying out roads, erecting buildings, machinery, etc., without the previous permission of such authority or the State Government;

(v) the lessee shall not use land for surface occupation without giving proper notice to the Collector.

(vi) the lessee shall provide and shall keep at all times at or near the pit head full equipment of weighing machines of modern type to the satisfaction of the Collector for weighing the minerals collected by him;

(vii) the lessee will exercise the liberties and powers hereby granted in such a manner as to offer no unnnecessary or reasonably avoidable obstruction or interruption to the development and working of any minerals not included in this lease and will at all times afford to the Governor and to the holder of prospecting licences or mining leases in respect of any such minerals or any minerals within any lands adjacent to the said lands reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting, working, developing and carrying away the same;

(viii) the lessee shall take such precautions as are necessary to secure pits and shafts by putting up wire fencing, or such other protection to the satisfaction of the Collector to prevent accidents;

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(ix) that on the occurrence of any accident, the lessee shall report such accident immediately to the nearest Police station, the nearest Factory Inspector and the Labour Commissioner;

(x) the lessee shall execute an indemnity bond to Government against the claims of third parties;

(xi) the lessee will at the expiration or sooner determination of the said term deliver up to the Governor all mines, pits, shafts, including drifts, levels, waterways, airways and other work (now existing) hereafter to be sunk or made under the said lands (except such as may have been abandoned with the sanction of the Governor or in any ordinary and fair course of working) and all (engines, machinery, plant, buildings, structures and other works and conveniences which at the commencement of the said term were upon or under the said lands and all) engines, machinery, plant and fixtures set up by the lessee below ground level which cannot be removed without causing injury to any mines or works under the said lands (except such of the same as may with the sanction of the Governor have become disused) and all buildings and structures of brick or stone erected by the lessee above ground level in good repair order and condition and fit in all respects for further working of the said minerals.

(xii) if after the determination of the lease there shall remain in or upon the said lands any engines, machinery, plant, buildings, structures, tramways, railways and other works erections and conveniences or minerals or mineral ores or other property which the lessee is entitled to remove from the said lands the same shall, if not removed by the lessee within one calendar month after notice in writing requiring their removal is given to the lessee by the Collector be deemed to become the property of the Government of Madras and may be sold and disposed of for the benefit of the Government of Madras in such manner as they shall deem fit without liability to pay any compensation or to account to the lessee in respect thereof;

(xiii) In the event of the existence of a State of war or of grave national emergency (of which the President of India shall be the sole judge and a notification to this effect in the *Gazette of India* shall be the conclusive proof) the Governor after notice in writing to the lessee under the hand of any Secretary to Government of his intention so to do may forthwith take possession or assume control of the works, plant and machinery and premises of the lessee at or in connection with the said mines and may pre-empt at prices fixed by the Governor all the minerals (and all products thereof) extracted from or lying upon the said mines during such possession or control and the lessee shall conform and obey all directions given by or on behalf of the Governor regarding the use or employment of such works, plants, premises provided that a fair compensation which shall be determined by the Governor and shall be paid to the lessee for all loss or damage sustained by reasons or in consequence of the exercise of the powers

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conferred by this clause; provided also that the exercise of such power shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause;

(xiv) The lessee should keep the stocks of beryl or any other "prescribed substance" under section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property covered by the lease with a view to making them available to the Government of India.

(xv) The rates of royalty, dead rent and surface rent shall be as follows :—

Royalty—(*a*) *Lime stone.*—Five per cent of the sale value at the pits mouth subject to a minimum of As. 4 per ton.

(*b*) *Kankar, clay and sand.*—Five per cent of the sale value at the pit's mouth.

Dead rent.—Rs. 10 (rupees ten only) per acre per annum in respect of each of minerals, viz., limestone, kankar, clay and sand.

Surface rent.—At such rate as the land revenue and cesses assessable on the land are paid.

(xvi) The applicant should pay a deposit of Rs. 500 as prescribed in rule 36 of the Mineral Concession Rules, 1949, before the lease in respect of each of the plots is actually executed.

(xvii) The terms and conditions stated in the above paragraphs are subject to such further modifications, additions and alterations as may be included in the lease deed when finalised.

TRUTH ALONE TRIUMPHS

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